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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,366	02/21/2002	John Keane	7937.0003	4963

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/078,366	Applicant(s) KEANE ET AL.	
	Examiner Joseph R. Maniwang	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 and 45-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 45-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1-43 and 45-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuomenoksa (U.S. Pat. No. 7,028,334).
3. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.
4. Regarding claims 1, 15, 26, and 31, Tuomenoksa disclosed a method and system comprising detecting an addressing conflict between a first address of a first processor and a second address of a second processor prior to receiving packets from the processors (see column 22, line 21; column 48, lines 40-51); associating a tunnel ID with the detected addressing conflict (see column 48, lines 23-46); receiving from the first processor one or more packets forming a tunnel (see column 47, lines 30-33); removing from the one or more packets information about the tunnel, the removed tunnel information including a virtual address of the tunnel (see column 47, lines 45-60);

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determining that the one or more packets are associated with the detected addressing conflict by determining that the removed virtual address corresponds to the tunnel ID associated with the detected addressing conflict (see column 49, lines 20-36); determining a translated address based on the removed virtual address (see column 49, lines 20-36); and forwarding the one or more packets based on the translated address (see column 49, lines 20-36).

5. Regarding claims 2, 16, and 27, Tuomenoksa disclosed the method and system further comprising detecting that the first address is the same as the second address (see column 48, lines 29-33).

6. Regarding claims 3, 17, 28, and 32, Tuomenoksa disclosed the method and system further comprising detecting that the first address is the same as the second address based on information about the first processor and the tunnel (see column 48, lines 29-33).

7. Regarding claims 4, 18, and 29, Tuomenoksa disclosed the method and system further comprising removing information indicating the virtual address, the virtual address uniquely identifying the tunnel (see column 20, lines 26-49).

8. Regarding claims 5, 19, and 30, Tuomenoksa disclosed the method and system further comprising removing information indicating a virtual IP address of the tunnel (see column 20, lines 26-49).

9. Regarding claims 6 and 20, Tuomenoksa disclosed the method and system further comprising determining, based on the removed virtual address and the tunnel ID,

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that the first address in the one of more packets causes the addressing conflict (see column 48, lines 23-60).

10. Regarding claims 7 and 21, Tuomenoksa disclosed the method and system further comprising determining the translated address based on the first address (see column 49, lines 20-36).

11. Regarding claims 8 and 22, Tuomenoksa disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on a network other than the first and second networks without the addressing conflict (see column 49, lines 20-36).

12. Regarding claims 9 and 23, Tuomenoksa disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on the second network without the addressing conflict (see column 49, lines 20-36).

13. Regarding claims 10 and 24, Tuomenoksa disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on the first network without the addressing conflict (see column 49, lines 20-36).

14. Regarding claims 11, 25, and 33, Tuomenoksa disclosed the method and system further comprising mapping, at a gateway, the first address into the translated address (see column 49, lines 20-36).

15. Regarding claim 12, Tuomenoksa disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing a network other than the first and second networks (see column 22, lines 12-30).

16. Regarding claim 13, Tuomenoksa disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the second network (see column 22, lines 12-30).

17. Regarding claim 14, Tuomenoksa disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the first network (see column 22, lines 12-30).

18. Regarding claim 34, Tuomenoksa disclosed the method and system wherein the other processor resolves the conflict based on another virtual address of another tunnel established between the other processor and the second network (see column 16, lines 4-24).

19. Regarding claim 35, Tuomenoksa disclosed the method and system wherein the other processor resolves the conflict such that communication between the second processor and the first network is enabled (see column 16, lines 4-24; column 49, lines 20-36).

20. Regarding claims 36 and 45, Tuomenoksa disclosed the method and system further comprising forming the tunnel, such that a first protocol encapsulates a second protocol (see column 14, lines 41-62).

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21. Regarding claims 37 and 46, Tuomenoksa disclosed the method and system further comprising using the first protocol as an Internet Protocol (IP) (see column 14, lines 41-62).
22. Regarding claims 38 and 47, Tuomenoksa disclosed the method and system further comprising user the second protocol as an Internet Protocol (IP) (see column 14, lines 41-62).
23. Regarding claims 39 and 48, Tuomenoksa disclosed the method and system further comprising defining the second protocol to further include an encryption protocol (see column 14, lines 41-62).
24. Regarding claims 40 and 49, Tuomenoksa disclosed the method and system further comprising removing from the one or more packets the virtual address of the tunnel, the virtual address uniquely identifying the tunnel and being routable on a virtual network (see column 20, lines 26-49).
25. Regarding claims 41 and 50, Tuomenoksa disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved with respect to the first network without regard to a possible addressing conflict on a network other than the first network (see column 49, lines 20-36).
26. Regarding claims 42 and 51, Tuomenoksa disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved between the first and second networks without regard to a possible addressing conflict on a network other than the first and second networks (see column 49, lines 20-36).

27. Regarding claims 43 and 52, Tuomenoksa disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved without consent of another processor (see column 49, lines 20-36).

28. Regarding claim 53, Tuomenoksa disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved by the first and second processors without regard to another processor (see column 49, lines 20-36).

29. Regarding claim 54, Tuomenoksa disclosed the method and system wherein the other processor determines the translated address without regard to the first and second networks, such that the addressing conflict is resolved locally on a network other than the first and second networks (see column 49, lines 20-36).

30. Regarding claim 55, Tuomenoksa disclosed the method and system wherein the other processor determines the translated address, such that the addressing conflict is resolved on a network other than the first and second networks (see column 49, lines 20-36).

31. Regarding claim 56, Tuomenoksa disclosed the method and system further comprising storing the translated address with the tunnel ID associated with the detected addressing conflict (see column 48, line 23 through column 49, line 36); and wherein determining a translated address based on the removed virtual address comprises retrieving, based on the tunnel ID, information indicating the translated address (see column 48, line 23 through column 49, line 36).

Response to Arguments

32. Applicant's arguments filed 06/11/07 have been fully considered but they are not persuasive.

33. Regarding claims 1-43 and 45-66 rejected under 35 U.S.C. 102(e) as being anticipated by Tuomenoksa (U.S. Pat. No. 7,028,334), Applicant traverses the rejection. Examiner notes that the Remarks parallel those filed in the Pre-Brief Appeal Conference request filed 02/12/07, in which the panel found the application ready to proceed to the board in light of the issues presented by Applicant. The present remarks are identical to those found in the request with the exception of the newly amended claim language replacing "an identifier" with "a tunnel ID".

34. Regarding claim 1, Applicant first asserts that Tuomenoksa does not teach "associating a tunnel ID with the detected addressing conflict". Examiner disagrees. As stated by Applicant, Tuomenoksa uses a first and second intermediate address space for converting IP addresses in the event of a detected conflict (see column 49, lines 20-31). These intermediate address spaces must inherently have identifiers in order to be used for receiving IP address destined for a specific gateway, which read on the limitations of claims 1, 15, and 26. The claim limitation argued simply requires that the "tunnel ID" is associated with a detected addressing conflict. Clearly, recognizing conflicting packets as in Tuomenoksa inherently involves a mechanism for associating such packets with a common identifier.

35. Regarding claim 31, Applicant asserts that Tuomenoksa does not teach "a processor other than the first and second processors that detects a conflict between the

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first address and the second address prior to communication between the first processor and the second network". Specifically, Applicant argues that a first gateway and a second gateway may be responsible for determining and resolving conflicts between the first and second gateways, but does not teach "a processor other than the first and second processors that detects a conflict between the first address and the second address" as claimed. However, Examiner submits that Tuomenoksa clearly reads on this limitation as claimed. The system of Tuomenoksa involved communication between two clients, i.e., "a first processor" and "a second processor", and detecting addressing conflicts between the two (see column 47, lines 14-29; Fig. 15A, 18). As recognized by Applicant, the system further included gateways which "may be responsible for determining if a local address conflict exists", i.e., "a processor other than the first and second processors that detects a conflict between the first address and the second address" (see column 49, lines 31-36).

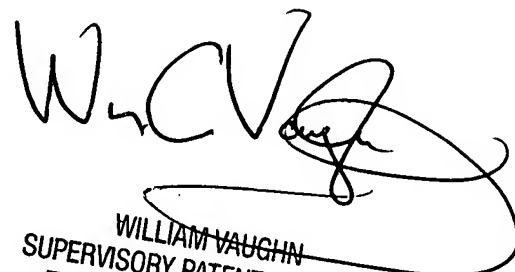
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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